

4th August 1932]

* Mr. V. T. ARASU:—"Sir, I request you to suspend Standing Order 39 (2) and to give me leave to add the names of the following gentlemen to the list of Members of the Select Committee already read out by the hon. the Chief Minister:—

Mr. V. M. Ramaswami Mudaliyar.
Ahmed Miran Sahib Bahadur.
Pandit Ganala Ramamurti.
Mr. W. P. A. Soundara Pandian.
„ C. R. Parthasarathi Ayyangar.
S. M. K. Beyabani Sahib Bahadur.
Mr. M. A. Manikkavelu Nayakar."

Mr. BASHEER AHMED SAYEED:—"I second it."

* The hon. the PRESIDENT:—"The question is—
'that the number of the Members of the Select Committee on this Bill excluding the Member of Government in charge, do exceed 15.'"

The motion was lost.

* The hon. the PRESIDENT:—"The question is—
'that Bill No. 9 of 1932 (Bill to amend the Madras District Municipalities Act) be referred to a Select Committee consisting of the Members already read out by the hon. the Chief Minister.'"

The motion was carried.

V.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920
(BILL No. 10 of 1932).

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I introduce the Bill^a to amend the Madras Local Boards Act (Bill No. 10 of 1932) and move—

'that the Bill be referred to the same Select Committee as for Bill No. 9.'

"The object of this Bill is the same as that of the previous Bill. This is in connexion with the amendment of the sections in the Local Boards Act dealing with no-confidence motions. I have already explained the object of these Bills."

Mr. E. CONRAN SMITH:—"I second it."

The motion was put and carried.

VI.—A BILL TO AMEND THE MADRAS SERVICES COMMISSION ACT, 1929
(BILL No. 7 of 1932).

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to move—

'that Bill No. 7 of 1932 be taken up next as it is urgent and as there are no amendments proposed to it.'"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I second it."

The motion was put and carried.

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* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to introduce the Bill^a to amend the Madras Services Commission Act, 1929 (Bill No. 7 of 1932) and to move—

'that the Bill be taken into consideration at once.'

"This Bill is intended to bring the present Act in conformity with the resolution of the Secretary of State for India in Council amending the Civil Services (Classification, Control and Appeal) Rules on the suggestion made by the Services Sub-Committee of the Round Table Conference. Under our present Act, the Chairman and the other Members of the Commission are appointed by the Governor in Council. The Secretary of State in Council has now made a rule that any law of this nature must enact that the appointment or renewal of the appointment or removal of any Member of the Commission shall be made by the Governor. The Bill seeks to alter also sub-section (3) of section 4 of Act XI of 1929. The present sub-section is as follows:—

'No person shall be appointed to be the Chairman or a member unless he has previously given an undertaking in writing to the effect that he will not, either during or after his service on the Commission, accept any other office under the Crown in India except—

(a) if appointed as the Chairman, the office of Chairman or member of the Public Service Commission; and

(b) if appointed as a member, either of the offices mentioned in clause (a) or the office of Chairman of the Commission.'

"The new clause to be substituted for this is to run as follows:—

'A person who has been the Chairman or a member shall, on vacating his office, be ineligible to hold any office under the Crown in India other than the office of Chairman or member of the Public Service Commission or of a Commission set up by any law enacted under the authority of rule 13 of the Civil Services (Classification, Control and Appeal) Rules.'

"The effect is the same except that we no longer require the members of the Commission to sign an undertaking that they would not take up any other office under the Commission in India except those specified. If we carried out this amendment, the law will be in conformity with the Secretary of State's rules passed on the recommendation of the Services Sub-Committee of the Round Table Conference."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I second it."

* Mr. V. T. ARASU:—"Sir, before we take up the consideration of this Bill, I wish to point out to this House the implications underlying this Bill. It is not so harmless as it appears to be on the surface. If hon. Members would look into the Madras Services Commission Act as it exists to-day, they will note that the power of appointment of the Chairman and Members of the Commission rests in the hands of the Governor in Council. What the amendment seeks to do is to remove that power from the Governor in Council and to vest it solely in the hands of His Excellency the Governor. Every one knows that sooner or later we are going to have some form of responsible Government, when elected representatives will be sitting on the Treasury Benches. This amending Bill provides that the elected representatives of the people should not be in a position to advise His Excellency

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[Mr. V. T. Arasu]

the Governor in the matter of the selection of the Chairman and Members of the Services Commission. Governors come and go. If we have a new Governor, it may not be possible for him to judge the merits of the candidates who seek these appointments. It is therefore just and proper that the Governor, whoever he may be, must be informed of the merits of the various candidates seeking the appointment by the trusted representatives of the people who constitute the Cabinet. Therefore, I am afraid that the amendment which is proposed now, viz., to remove the power of appointment from the Governor in Council and to vest it in the Governor alone is subversive of constitutional principles. Therefore, I am opposed to it.

"Secondly, while introducing this Bill the hon. Member said that this Act should be brought in conformity with the provisions of Rule 13 of the Civil Services (Classification, Control and Appeal) Rules. He has not stated what will be the effect if we do not bring this Act in conformity with those rules. Surely, the heavens would not tumble down if we do not do so. Therefore, I am of opinion that the existing Act can continue to be in force. For these reasons I am afraid I cannot persuade myself to agree to the passing of this Bill into law."

Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, as this matter is not very urgent, I would suggest that the consideration of this question may be deferred to another sitting of the Council. This question was gone into, if I remember rightly, when the original Bill was taken up in the Select Committee and I think that, after some consideration, the words 'the Governor in Council' were deliberately put in. I am sorry I am not able to bring back to my memory all the reasons that influenced us to have those words. If the hon. the Revenue Member has no objection, this Bill may be put off for the next meeting of the Council."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, if I am not mistaken, the term used in the original draft of the Madras Services Commission Bill, was the 'Governor' and we altered it after discussion and inserted the words 'Governor acting with the Ministers or Governor in Council.' I think, Sir, that the change was made deliberately. I think that the reasons that led the Council to accept the altered wording 'Governor in Council' instead of 'Governor' hold good even to-day or perhaps with greater force. As Mr. Arasu pointed out, with the coming constitutional changes, the difference between the terms 'Governor in Council' and 'Governor' will disappear as the former will act exactly as advised by his Ministers and the Government will be responsible to the people. I cannot therefore agree to the motion of my hon. Friend, the Revenue Member."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, this decision was arrived at, as I already stated, on the recommendation of the Services Sub-Committee of the Round Table Conference. The resolution passed by them was that 'in every Province and in connexion with the Central Government, a statutory Public Services Commission shall be appointed by the Governor or Governor-General as the case may be.' The object of this law is, as far as possible, to remove the permanent public services from political influence. That is not

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casting any reflection whatever on this country as it has been found to be the experience of all countries which have democratic forms of Government, that they must adopt some means by which they can remove the permanent Services as far as possible from all political influence; otherwise, evils will result. This question was very carefully considered by the Sub-Committee of the Round Table Conference and, as far as I can see, the decision was arrived at unanimously by that Committee.

"As regards the urgency of the matter, the rules have been passed by the Secretary of State and they will be brought into force from such date as the Governor-General in Council may notify. The Government of India are holding up their notification to give us an opportunity of amending our Act, as, otherwise, that particular sub-section will automatically become null and void as it will be repugnant to the Secretary of State's rules. If this amendment is not passed, no one can appoint either the Chairman or a Member of the Services Commission at all. That is the reason for the urgency of the matter. The Government of India are waiting for us to amend our Act in order to bring the new rule into force."

MR. BASHEER AHMED SAYEED:—"Sir, I rise to oppose the motion made by the hon. the Revenue Member. The reasons which he gave are not at all convincing. One reason given by the hon. Member is that it is sought to keep the appointment and removal of the Members of the Commission beyond any political influence. I do not think there is any point in that argument. From the experience we have gained already, we know that, if one political influence is removed, another political influence comes in in its place.

5 p.m.

"For instance, Sir, I may mention various Acts where the Governor is given the right to nominate or appoint persons to certain bodies and offices. There is the Madras University Act and there is the Andhra University Act, according to which, the Governor, or the Chancellor, as the case may be, has the right to make certain nominations. That does not mean that the Governor does it by himself. If there is a Governor who is all in all, who knows every nook and corner of the city and the Presidency, and if there is a Governor who knows all individuals living in the locality or has come into contact with each and every man and knows his capacity, his qualifications and all other things, then such a Governor would certainly be expected to make an appointment which would be considered fair and square. But we have seen Governors have come and Governors have gone. For five years Governors have sat in this country and they have been either most uninformed or uninforming or both. If such is the case of Governors, to vest in their hands powers like this, that they by themselves should be enabled to appoint men to particular offices, is indeed not proper. What will happen? If the Governor is not to be advised by his Councillors or by the Ministers, does it mean that the advice of the Councillors or of the Ministers is always influenced by political considerations? I do not think, Sir, that there is any point in saying like that. I would only say that if in the future constitution responsibility is going to be given to the fullest extent possible, and every man will do his duty according to

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his conscience, to say that the Governor if he is left alone will close himself up in a room and then appoint a man without being influenced by political or other considerations existing at the time in the country, will be absurd. If the Governor does not consult the Executive Councillors, I am sure he will consult the Chief Secretary at least or some other Secretary concerned with the department or for the matter of that, his own Private Secretary."

* Mr. F. E. JAMES:—"I should like to know, Sir, whether it is in order for any Member to discuss the questions as to whether there should or should not be a Public Services Commission on a discussion arising out of this Bill which seeks merely to bring into a technical conformity the provisions of this Act with the rules made by the Secretary of State. I put it to you, Sir, that a general discussion on the desirability or not of having a Public Services Commission is entirely irrelevant to this particular Bill under discussion."

* The hon. the PRESIDENT:—"I hope the hon. Member will confine his remarks only to the sections under consideration. As has been pointed out by Mr. James, there is no necessity for discussing the Madras Services Commission Act as a whole."

Mr. BASHEER AHMED SAYEED:—"I bow to your ruling, Sir; but I am not discussing the Public Services Commission Act at all. It is not before us now. The amendment sought to be introduced by the hon. the Revenue Member is that the words 'in Council' be removed. I am only confining myself to that point. I do not want to go beyond it. I only say that it is absurd to say that simply because the word 'Governor' is to be put in, the whole thing will be done by the Governor only. If the Governor is not to consult his Executive Councillors or his Ministers, he is sure to consult the Secretary or the Chief Secretary or his Private Secretary, in which case the position will be much worse. So, Sir, I am opposed to this amendment."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, as there has been difference of opinion on this matter, I think it is desirable that the Bill is referred to a Select Committee. So, I move, Sir—

'that this Bill be referred to a Select Committee'."

The hon. Sir ARCHIBALD CAMPBELL:—"The motion is that the Bill be taken into consideration."

Mr. BASHEER AHMED SAYEED:—"At this stage, we can move that the Bill be referred to a Select Committee, Sir. It is quite in order."

* The hon. the PRESIDENT:—"The motion that the Bill be taken into consideration has not been passed. It is still under discussion, and so, the hon. Member is in order in moving his motion for reference to a Select Committee."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I give the names now, Sir? I merely move now that the Bill be referred to a Select Committee for the reasons I have stated. If that is carried, I shall then give the names of Members."

Mr. A. RANGANATHA MUDALIYAR:—"I beg to second it, Sir, reserving my speech to a later occasion."

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* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I am sure my hon. Friends would not misunderstand me if I stand up to oppose this motion for a Select Committee. I remember, Sir, as a Member of the Select Committee that sat on the original Bill for the establishment of a Provincial Public Services Commission, that my hon. Friend from Bellary, Mr. Ranganatha Mudaliyar, it was who advanced in the Select Committee the argument that the power to appoint the Public Services Commission should be vested either in the Governor or in the Viceroy. He said, and said very strongly, that these appointments should be held beyond political influences, and as far as possible, such power should vest at least in the Head of the Government. I remember also having pointed out then that according to the rules of the Secretary of State then in force, even if the Council should desire to vest the power in the Governor, it was not open to us to do so. It was in those circumstances that the words 'Governor-in-Council' were substituted for the word 'Governor'. What is now attempted is only to substitute the word 'Governor' for the words 'Governor in Council.' I may also point out that in the interim period between the date when that Act was passed and to-day, a Sub-Committee sitting in London of the Round Table Conference, discussed this matter and thought that in the future constitution of India it was necessary that these appointments to the Public Services Commission should be made by the Governor or by the Governor-General. It is the opinion of that Committee that practically has been accepted by the Secretary of State who has accordingly amended his rules and directed that our Public Services Commission Act should be brought into line with his rules. The point for consideration merely is: who is the suitable authority—the Governor or the Governor in Council. If my friend held the view some two or three years ago that the Governor was a better authority than the Governor in Council, I do not understand why he has changed his view now. The one objection that seems to be raised is that in the future constitution when Provincial Autonomy is given, the Governor who is vested with this power will act on the advice of the Chief Minister or the Prime Minister—whoever he may be. But what is the alternative? Supposing we keep the words 'Governor in Council', under the new constitution, it will be construed as 'Governor acting on the advice of the Chief Minister' or whoever it may be. Therefore, whether we use the word 'Governor' or the words 'Governor-in-Council' it will be practically certain that the Ministry will advise the Governor. But at the same time, if we have the word 'Governor' alone, we will be providing that His Excellency the Governor may even differ from his Ministry in the interests of public service and that he may appoint the men whom he considers best fitted. Therefore, if you vest this power in the Governor, you can guarantee at least that the Governor will appoint a suitable man, probably in consultation with the Ministry; but if you do not want to have this amendment it will only mean that practically the person who is selected by the Minister will be accepted. Sir, people who think of constitution and constitution-making and who want to be nationalists would certainly agree that that power should be vested in the Governor who, though he might take the advice of his Ministers, would still be fair in the selection of the person for the appointment

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and be above all political influences. I do not think, Sir, any real purpose will be served by referring this Bill now to a Select Committee. The plain question now is whether power should be vested in the Governor or in the Governor-in-Council, who under Provincial Autonomy will be guided by the advice of his Ministers. This question need not be discussed by a Select Committee. Now and now alone we can make up our minds to do this or that. I have tried to explain the reasons which I think are fairly important as to why in the future constitution this power should be vested in the Governor; and the objection that the Governor would exercise this power on the advice of the Ministers is beside the point. Because even if he takes the advice of the Ministers, he can still say that he considers that he should dissent from their views. I should therefore think, Sir, that in the interests of the future constitution and in the interests of the services, of getting the best men possible, such power should be vested in the Governor. For these reasons, I oppose the motion for referring the Bill to a Select Committee."

* Mr. K. P. RAMAN MENON:—"Sir, it is with great diffidence that I propose to offer a few remarks on the motion before the House. I think I must say what I feel in this matter. Now, is it pretended that a Governor who lands in this Presidency straight from Home without previous knowledge of anybody in this land will be able to make a selection of the gentlemen who constitute this Public Service Commission? Certainly, Sir, a Governor landing here will have to consult others in making an appointment of this nature. Even supposing that he has been here for four and odd years, it would be impossible for a Governor to be in touch with all the leading men of the land to make a selection; so that it practically comes to this, that he will have to take the advice of whosoever may be in his confidence—it may be the Chief Minister or other Ministers or even the whole Cabinet. It is all very good to say that the appointment should be put beyond the reach of any political influence; but in practice, it will be an appointment within the reach of political influence, and there will be a touch of political bias. What is the case in England, Sir? If anybody will instruct me on that point, I shall be very glad to change my opinion. The position that His Excellency holds here is, as far as I can see, approximate to the position that the Sovereign holds in England. Does the King make the appointments to the Public Services Commission himself, or does he do it with the advice of his Ministers, or do the Ministers themselves do it? I desire to be enlightened on that point. I do not know what is done there. After all, for many reasons it is desirable that here power is not given, with great respect and with great diffidence I say so, to an alien. I am constrained to say that the result will be disastrous and will lead to the shoving in of as many Europeans as possible in these places, when Indians are available. I am constrained to say that, and I may be pardoned for having been too plain in my remarks."

Mr. A. RANGANATHA MUDALIYAR:—"I am very sorry, Sir, that my hon. Friend, Mr. Muniswami Nayudu, has distorted facts. He may clearly remember what I said. What I said was that this matter

[Mr. A. Ranganatha Mudaliyar] [4th August 1932]

might have been gone into in the Select Committee and that Committee might have deliberately come to the conclusion referred to. I said I could not exactly remember it at once. So, I appealed to the hon. the Revenue Member if he could not see his way to have the consideration of this Bill deferred. Sir, I asked him whether it was urgent. Yesterday, the Government were prepared to allot all this afternoon for non-official work. Now suddenly to say that this matter is very urgent and this should be done now seems to be unfair. Yesterday it was conceded that they would arrange to see that the official business was over before lunch and that non-official business might be taken up afterwards. I doubt very much if in that case they would have reached this business at all."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" May I make a few remarks in reply? With reference to the remarks of my hon. Friend, Mr. Muniswami Nayudu, I should like to say this: He said that under the arrangement now suggested, the Governor no doubt will get the advice of the Minister, but that he will have the power to veto it. That raises, Sir, a question of principle. What exactly is going to be the position of the Governor under the new constitution when it is supposed that we will have Provincial Autonomy. Much of the trouble and dispute at present is with reference to the question of the powers of the Governor. Now, Sir, is the Governor in the coming constitution going to be invested with the power of veto in matters of appointment? I do not think so. Even at present I believe the Governor—that is of course my personal view—is exceeding the powers that were intended to be conferred on him under the Devolution Rules. Of course the authority quoted for the action of the Governor now is the Instrument of Instructions. I would not go into controversial matters; but the real point is this: if the government that is going to be conceded to the provinces is to be autonomous, it means that the Ministers will be supreme as the Ministers are supreme in England. In any democratic country it means that the head is merely going to be—if I may use that term—a figurehead. It will be the same sort of constitution as in England where the King's name is used for certain purposes, but really it is the Minister who occupies the supreme position, and speaks on behalf of the Legislature. "In that case, in the provincial autonomy that we are going to get, the Ministers will be absolutely supreme and there is no question of the Governor exercising the power of veto in a question like this. Even supposing we give the power to the Governor, it will really mean the "Governor acting with Ministers" and the Ministers will be supreme and the Governor cannot veto the recommendations of the Ministers in the coming constitution except of course in matters of Law and Order where the condition of the country necessitated the Governor passing orders against the wish of the legislature. If, for instance, there was a disturbance in the country and the legislature does not support him, in that case the Governor may exercise his power of veto. But, in matters of appointment, I should think, if we are going to have real provincial autonomy, which apparently has been promised by those that are concerned in this question, then of course, the Governor's power of veto will be seriously limited—limited

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to cases of the sort I have just mentioned. So, I do not see any objection at all to having the term 'Governor-in-Council' as at present, which, in future, when we get provincial autonomy, may be altered to 'Governor acting with Ministers'. I do not therefore see any justification for the remarks made by the hon. the Chief Minister just now."

* The hon. the PRESIDENT:—"I will now put the motion of Mr. Arogyaswami Mudaliyar to the vote of the House. The question is—
'that Bill No. 7 of 1932 be referred to a Select Committee'."

The motion was declared lost. A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|---------------------------------------|
| 1. Mr. V. M. Ramaswami Mudaliyar. | 9. Mr. K. A. Nachiyappa Gounder. |
| 2. " K. P. Raman Menon. | 10. " A. P. N. V. Nadimuthu Pillai. |
| 3. Diwan Bahadur E. N. Arogyaswami Mudaliyar. | 11. " U. C. Subrahmanya Bhatt. |
| 4. Mr. T. S. Ramaswami Ayyar. | 12. " K. S. Sivasubrahmanya Ayyar. |
| 5. Rao Bahadur T. M. Narayanaswami Pillai. | 13. " A. Ranganatha Mudaliyar. |
| 6. Mr. M. A. Manikkavelu Nayakar. | 14. " C. R. Parthasarathi Ayyangar. |
| 7. Basheer Ahmed Sayeed Sahib Bahadur. | 15. " V. T. Arasu. |
| 8. Mr. P. Peddiraju. | 16. Swami A. S. Sahajanandam. |
| | 17. Rao Sahib P. Subrahmanyam Chetti. |
| | 18. Sriman M. G. Patnaik Mahasayo. |

Noes.

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|---|--|
| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur, Kt. | 18. Mr. P. C. Moses. |
| 2. " Diwan Bahadur Sir M. Krishnan Nayar. | 19. " P. V. Rajagopala Pillai. |
| 3. " Sir Archibald Campbell. | 20. " C. Indriah. |
| 4. " Mr. H. G. Stokes. | 21. " P. Bayappa Reddi. |
| 5. " Mr. P. T. Rajan. | 22. Rao Sahib P. V. Dharmalingam Pillai. |
| 6. " Diwan Bahadur B. Muniswami Nayudu. | 23. Mr. M. A. Muthiah Chettiyar. |
| 7. Mr. C. E. Jones. | 24. " Daniel Thomas. |
| 8. " J. A. Thorne. | 25. Pandit Ganala Ramamurti. |
| 9. " H. M. Hood. | 26. Mahboob Ali Baig Sahib Bahadur. |
| 10. " S. H. Slater. | 27. Rao Bahadur C. Natesa Mudaliyar. |
| 11. " E. Conran Smith. | 28. Mr. C. Basu Dev. |
| 12. " T. Sundara Rao Nayudu. | 29. Diwan Bahadur S. Ellappa Chettiyar. |
| 13. Khan Sahib Syed Tajuddin Sahib Bahadur. | 30. Rao Sahib V. I. Muniswami Pillai. |
| 14. Mr. M. B. Rangaswami Reddi. | 31. Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 15. " M. Devadasan. | 32. Mr. G. R. Premayya. |
| 16. Subadar-Major S. A. Nanjappa Bahadur. | 33. " G. Lakshmana Reddi. |
| 17. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. | 34. " F. E. James. |
| | 35. Rai Sahib C. Kolanda Reddi. |
| | 36. Mr. J. Kuppuswami Choudari. |
| | 37. " C. Satyanarayana Choudari. |
| | 38. " G. Simhachalam Pantulu. |

Ayes 18. Noes 38.

The motion was lost.

* The hon. the PRESIDENT:—"I will now put the main motion to the vote of the House. The question is—

'that Bill No. 7 of 1932 be taken into consideration'."

The motion was carried.

The hon. the PRESIDENT:—"I will now put the Bill clause by clause to the vote of the House. Clause 1 of the Bill is now for consideration."

[4th August 1932]

Mr. A. RANGANATHA MUDALIYAR:—" Shall I be in order, Sir, if I move that the further consideration of the Bill be taken up at the next meeting? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It has been already passed that the Bill be taken into consideration."

* The hon. the PRESIDENT:—" If the hon. Member will put it in the form of a motion, I will put it to the vote of the House."

* Mr. F. E. JAMES:—" I should like to rise to a point of order, if I may, on that amendment. We have just passed a motion that the Bill be taken into consideration and we have not yet begun to take it into consideration. Even the first clause has not yet been put to the House. I should like to know whether an amendment to adjourn the further consideration of the Bill will be in order. I submit that until we have actually begun to take the clauses of the Bill into consideration, any such amendment at this stage is out of order."

* The hon. the PRESIDENT:—" If the motion had been for taking it into consideration immediately to-day, probably the motion of Mr. Ranganatha Mudaliyar would be out of order, but as the motion has not been made in that form, I am constrained to allow the motion. All that the previous vote decided was that the Bill be not referred to a Select Committee but be taken into consideration."

Mr. A. RANGANATHA MUDALIYAR:—" Mr. President, I beg to move—
'that the further consideration of this Bill be taken up on the next official day.'

" I do not think many words are necessary to commend this resolution to the acceptance of the House. Sir, already it is so late now and many of the members, I think, have gone to attend to their respective work elsewhere and further, they have not come prepared either, to take part in the deliberations in regard to this Bill. Moreover, Sir, from what the hon. the Chief Minister was good enough to say after having refreshed his memory with reference to the proceedings or other things, that in the Select Committee there was a division of opinion in regard to this matter. It may be, Sir, that I myself wanted that this prerogative should be left entirely in the hands of the Governor, but at any rate, it is quite clear that if I advanced that view in the committee stage, I was out-voted. It means that much has to be said on the other side and I should therefore like that this question should be gone into at a time when all the members are present when we shall have the benefit of expressions of opinion of all shades and nothing will be lost by deferring the consideration of this to the next official day. Otherwise it will lead to very bad taste. If we want one more hour for non-official work, they say, they cannot get, but if it is an official work, even against our will, they are prepared to go on. I hope, at least for the sake of courtesy, Government will accept this motion."

Mr. V. T. ARASU:—" I second it, Sir."

* The hon. the PRESIDENT:—" The question is—
'that the further consideration of the Bill be taken up on the next official day.'"

4th August 1932]

The motion was declared lost. A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|---------------------------------------|
| 1. Mr. V. M. Ramaswami Mudaliyar. | 9. Mr. A. Pl. N. V. Nadimuthu Pillai. |
| 2. " K. P. Raman Menon. | 10. " U. C. Subrahmanya Bhatt. |
| 3. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 11. " K. S. Sivasubrahmanya Ayyar. |
| 4. Rao Sahib V. I. Muniswami Pillai. | 12. " A. Ranganatha Mudaliyar. |
| 5. Mr. M. A. Manikkavelu Nayakar. | 13. " C. R. Parthasarathi Ayyangar. |
| 6. Basheer Ahmed Sayeed Sahib Bahadur. | 14. " V. T. Arasu. |
| 7. Mr. P. Peddiraju. | 15. Swami A. S. Sahajanandam. |
| 8. " K. A. Nachiyappa Gounder. | 16. Rao Sahib P. Subrahmanyam Chetti. |
| | 17. Sriman M. G. Patnaik Mahasayo. |

Noes.

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| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur, Kt. | 17. Mr. P. C. Moses. |
| 2. " Diwan Bahadur Sir M. Krishnan Nayar. | 18. " P. V. Rajagopala Pillai. |
| 3. " Sir Archibald Campbell. | 19. " C. Indriah. |
| 4. " Mr. H. G. Stokes. | 20. Rao Sahib P. V. Dharmalingam Pillai. |
| 5. " Mr. P. T. Rajan. | 21. Mr. M. A. Muthiah Chettiyar. |
| 6. " Diwan Bahadur B. Muniswami Nayudu. | 22. " Daniel Thomas. |
| 7. Mr. C. E. Jones. | 23. Pandit Ganala Ramamurti. |
| 8. " J. A. Thorne. | 24. Mahboob Ali Baig Sahib Bahadur. |
| 9. " H. M. Hood. | 25. Rao Bahadur C. Natesa Mudaliyar. |
| 10. " S. H. Slater. | 26. Mr. C. Basu Dev. |
| 11. " E. Conran Smith. | 27. Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 12. " T. Sundara Rao Nayudu. | 28. Mr. G. R. Premayya. |
| 13. Khan Sahib Sayeed Tajuddin Sahib Bahadur. | 29. " G. Lakshmana Reddi. |
| 14. Mr. M. B. Rangaswami Reddi. | 30. " F. E. James. |
| 15. " M. Devadasan. | 31. " J. Kuppuswami Choudari. |
| 16. Subadar-Major S. A. Nanjappa Bahadur. | 32. " C. Satyanarayana Choudari. |
| | 33. " G. Simhachalam Pantulu. |
| | 34. Mrs. K. Alamelumangathayaramma. |
| | 35. Mr. W. P. A. Soundara Pandian. |

Ayes 17. Noes 35.

The motion was lost.

Mr. BASHEER AHMED SAYEED:—" Mr. President, Sir, I move—
'that the meeting of the Council do stand adjourned, as it is half-past five now, and we all feel very much tired.'"

5-30
p.m.

* The hon. the PRESIDENT:—" Order, order. I will now put the clauses of the Bill to the vote of the House. (After a pause.) The question is—

'that clauses 1 and 2 be passed and do form part of the Bill.'"

The motion was carried, and clauses 1 and 2 were made part of the Bill.

The hon. the PRESIDENT:—" The question is—
'that the Preamble do form part of the Bill.'"

The motion was carried.

* The hon. Sir ARCHIBALD CAMPBELL:—" I beg to move—
'that the Bill be passed into law.'"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" I second it."

[4th August 1932]

* Mr. V. T. ARASU:—“ Sir, I rise to oppose the motion made by the hon. the Revenue Member. Sir, both the hon. the Chief Minister and the hon. the Revenue Member have waxed eloquent that in all democracies appointments of this kind are kept away from political influences. I challenge the hon. the Chief Minister and the hon. the Revenue Member to adduce any instance in any country where it is so, whether it is a Parliamentary or a Presidential type of democracy, whether it is a democracy of the type prevailing in the United States or a Parliamentary democracy as it is in England to-day. Such appointments are not vested in one individual. It is the Cabinet, the representatives of the people, that advises the King or the President, as the case may be, in the filling up of such high posts.”

Mr. F. E. JAMES:—“ On a point of order, Sir . . . ”

Mr. V. T. ARASU:—“ My friend, Mr. James, would wait and hear me before he interrupts. (Laughter.) Sir, take the case of the United States. There, the President is elected directly by the free vote of the people; that is to say, he derives his power directly from the people at large, the supreme sovereign body. In spite of the fact that he derives his power directly from the people at large—and therefore better fitted to express the wishes of the people than the members of the Senate or the Chamber of Deputies—in spite of that the power of appointing even the judges of the Supreme Court of United States of America does not vest with the President alone.

“ Taking the case of the English constitution as it is working to-day, as has been rightly pointed out by Mr. Raman Menon, though technically speaking, all appointments, like judgeships to the High Court, are made by His Majesty, I ask any member of the English race sitting in this House, whether sitting on the Treasury Bench or other benches of this House, to tell me whether it is His Majesty that makes these appointments directly? His Majesty is always guided in making these appointments by the elected representatives who constitute his Cabinet, to whichever party they may belong. To-day it may be a Coalition Ministry that is in power; to-morrow it may be the Labour Party that is in power; and day after to-morrow it may be the Liberal Party. Whichever party is in power, His Majesty always takes the advice of the leaders of that party in making all appointments. Therefore, I ask the hon. the Revenue Member on what basis he made the statement that in all democratic countries appointments of this nature are kept above political influences? Even taking for granted that we are to keep these appointments above political influences, what guarantee is there that if the appointment is to vest in the Governor, he will be above parties and the influence of political busy bodies? Sir, as has been rightly pointed out by Mr. Raman Menon and Mr. Basheer Ahmed Sayeed, Governors come and Governors go; they are absolutely ignorant of the local conditions when they come here. Is it seriously suggested by the hon. the Revenue Member and the hon. the Chief Minister that His Excellency the Governor would sit in his room, lock himself up there and will not take advice from anybody? It is not possible to do so. He may not know the status, the qualifications, past experience and so

4th August 1932]

[Mr. V. T. Arasu]

on of the various candidates. And is it seriously suggested that His Excellency the Governor will not take advice? Sir, human nature being what it is, His Excellency is bound to take the advice of some one individual at the least. Perhaps that may be a greater danger than if he consults the accredited elected representatives of the people, who happen to hold office at the time. As has been pointed out by Mr. Basheer Ahmed Sayeed it is perhaps possible he may take the advice of the Chief Secretary or some Secretary or some gentlemen, say, like Mr. James (Laughter) in making these appointments. Is it suggested that these people are better fitted to advise His Excellency? Certainly not. The representatives of the majority party—they are the best people to advise the Governor. Sir, it was Mr. James that said that the interests of the minority communities would suffer if the power of making appointments is vested in the Governor in Council. I never believed that my friend, Mr. James, was capable of trotting out this kind of preposterous and absurd plea. I should like to assure my friends of the minority communities that they would be entirely mistaken if they should believe that.”

MR. F. E. JAMES:—“ I never made any such statement on the floor of this House.” (Laughter.)

* MR. V. T. ARASU:—“ I am glad my friend, Mr. James, admits that he dare not put forward that absurd plea on the floor of this House. (Laughter.) And I wish to assure my hon. Friends belonging to the depressed class communities that in this question their interests will be quite safe in the hands of the Governor in Council. Because in the coming Reforms, whatever party may be in power, they will have about 25 votes. Perhaps they may influence . . . ”

* THE HON. THE PRESIDENT:—“ Order, order. I don't think the hon. Member will be usefully discussing all these things that have already been discussed. If he has got any objection to the passage of this Bill into law he may mention a few facts and finish his say.”

* MR. V. T. ARASU:—“ These, Sir, are some of the reasons on the basis of which I oppose the passing of this Bill into law.”

“ This is not a simple amendment as the hon. the Revenue Member would have us believe. This is a serious amendment. For, the power of appointment is hereafter to be vested in the Governor. It must be admitted on all hands that several heads are much better than one single head. And so in choosing candidates for the Membership as well as the Presidentship of the Services Commission, is it not better, I ask, that a body of people, in the shape of His Excellency the Governor and his legally constituted Ministers, do put their heads together and choose the right and proper persons to fill the place, than leaving it to a single individual—the Governor? We know from human experience, and history, also teaches the same thing, what will happen when such matters are entrusted into the hands of one single person, however exalted he may be. Sir, on these grounds, I oppose the Bill being passed into law.”

MR. BASHEER AHMED SAYEED:—“ Mr. President, Sir, . . . ”

[4th August 1932]

* The hon. the PRESIDENT:—"Order, order. I will put the motion to the vote of the House. The question is—
'that the Bill be passed into law'."

The motion was declared carried. Mr. V. T. Arasu demanded a poll and the House divided thus:—

Ayes.

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|---|---|
| 1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 19. Mr. M. S. Sreshta. |
| 2. " Diwan Bahadur Sir M. Krishnan Nayar. | 20. " P. C. Moses. |
| 3. " Sir Archibald Campbell. | 21. " P. V. Rajagopala Pillai. |
| 4. " Mr. H. G. Stokes. | 22. " C. Indriah. |
| 5. " Mr. P. T. Rajan. | 23. Rao Sahib V. Dharmalingam Pillai. |
| 6. " Diwan Bahadur B. Muniswami Nayudu. | 24. Mr. M. A. Muthiah Chettiyar. |
| 7. Mr. C. E. Jones. | 25. " Daniel Thomas. |
| 8. " J. A. Thorne. | 26. Swami A. S. Sahajanandam. |
| 9. " H. M. Hood. | 27. Pandit Ganada Ramamurti. |
| 10. " S. H. Slater. | 28. Mahboob Ali Baig Sahib Bahadur. |
| 11. " E. Conran Smith. | 29. Khan Bahadur Mahmud Schamnad Sahib Bahadur. |
| 12. " T. Sundara Rao Nayudu. | 30. Mr. T. S. Ramaswami Ayyar. |
| 13. Khan Sahib Syed Tajuddin Sahib Bahadur. | 31. " F. E. James. |
| 14. Rao Bahadur A. T. Pannirselvam. | 32. " J. Kuppuswami Choudari. |
| 15. Mr. M. B. Rangaswami Reddi. | 33. " C. Satyanarayana Choudari. |
| 16. " M. Devadasan. | 34. Rao Bahadur C. Natesa Mudaliyar. |
| 17. Subadar-Major S. A. Nanjappa Bahadur. | 35. Mr. C. Basu Dev. |
| 18. Diwan Bahadur M. Gopalaswami Mudaliyar. | 36. Rao Sahib V. I. Muniswami Pillai. |
| | 37. Mr. W. P. A. Soundara Pandian. |
| | 38. Khan Bahadur T. M. Moideco Sahib Bahadur. |
| | 39. Mr. G. R. Premaïyya. |
| | 40. " G. Lakshmana Reddi. |

Noes.

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| 1. Mr. K. P. Raman Menon. | 5. Basheer Ahmed Sayeed Sahib Bahadur. |
| 2. " V. M. Ramaswami Mudaliyar. | 6. Mr. K. A. Nachiyappa Gounder. |
| 3. Rao Sahib P. Subrahmanyam Chetti. | 7. " U. C. Subrahmanya Bhatt. |
| 4. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 8. " K. S. Sivasubrahmanya Ayyar. |
| | 9. " V. T. Arasu. |

Ayes 40. Noes 9.

The motion was carried and the Bill was passed into law.

VII.—ELECTION OF FIVE MEMBERS TO THE SENATE OF THE ANNAMALAI UNIVERSITY.

* The hon. the PRESIDENT:—"I have to announce to the House that as a result of the voting for the election of five members to the Senate of the Annamalai University by the Members of the Madras Legislative Council, the following Members have been declared duly elected:—

1. Mr. V. T. Arasu.
2. S. M. K. Beyabani Sahib Bahadur.
3. Mrs. K. Alamelumangathayaramma.
4. Rao Sahib C. Jayaram Nayudu.
5. Swami A. S. Sahajanandam.

"The House will now adjourn and meet to-morrow at 11 a.m."

VIII.—PAPER LAID ON THE TABLE OF THE HOUSE.

* Report of the Madras Services Commission for 1931-32.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.